

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DUKHAN MUMIN,

Plaintiff,

vs.

PATRICK CONDON, and DOUG
PETERSON,

Defendants.

8:19CV60

**MEMORANDUM
AND ORDER**

This matter is before the court on its own motion. On February 8, 2019, the court required Plaintiff Dukhan Mumin to show cause why he is entitled to proceed in forma pauperis (“IFP”) in this action. (See [Filing No. 6](#).) The court has previously determined that three or more federal cases brought by Plaintiff, while a prisoner, were dismissed as frivolous or for failure to state a claim. *See Mumin v. McLaughlin, et al.*, Case No. 8:17CV100 (D.Neb.) ([Filing No. 6](#), March 27, 2017 Memorandum and Order identifying “three strikes”). The Prison Litigation Reform Act (“PLRA”) prevents a prisoner with “three strikes” from proceeding IFP unless the prisoner is under imminent danger of serious physical injury. [28 U.S.C. § 1915\(g\)](#).

To date, Plaintiff has not filed a response to the court’s order to show cause nor has he paid the court’s \$400.00 filing and administrative fees despite the court’s warning that failure to take either action would result in dismissal of this case. Instead, all Plaintiff filed is a second Motion for Leave to Proceed In Forma Pauperis ([filing no. 7](#)) that is duplicative of his first IFP motion ([filing no. 2](#)). Accordingly, the court will dismiss this case without prejudice based on Plaintiff’s failure to comply with the court’s orders.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motions for Leave to Proceed in Forma Pauperis ([filing no. 2](#); [filing no. 7](#)) are denied.
2. This case is dismissed without prejudice and a separate judgment will be entered in accordance with this Memorandum and Order.
3. Any notice of appeal filed by Plaintiff must be accompanied by the \$505.00 appellate filing fee because Plaintiff will not be allowed to proceed in forma pauperis on appeal.

Dated this 20th day of March, 2019.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge